

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DANIEL BROWN, # 341265,)	Civil Action No.: 4:14-cv-0357-BHH-TER
)	
Plaintiff,)	
)	
-vs-)	
)	
)	REPORT AND RECOMMENDATION
WARDEN WILLIE EAGLETON and)	
E. HEYWARD,)	
)	
Defendants.)	
)	

Plaintiff, who is proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights to be free from cruel and unusual punishment. Presently before the court is Plaintiff's Motion for Default Judgment (Document # 34) and Motion for Discovery (Document # 41). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC. This report and recommendation is entered for review by the district judge.

Plaintiff filed this action on February 11, 2014. After Plaintiff brought the case into proper form, the undersigned entered an order on April 23, 2014, allowing service on Defendants. Defendants were served by the U.S. Marshals Service on June 11, 2014. See USM-285 Returned Executed (Documents # 23, 24). As a result, Defendants' Answer was due July 2, 2014. See Rule 12(a)(1)(A) (allowing defendants twenty-one days from service of a summons and complaint to file an answer). Defendants filed their Answer on July 1, 2014. See Answer (Document # 29). Therefore, Defendants timely answered Plaintiff's complaint and are not in default.

In addition, Plaintiff has filed a document captioned "Discovery," which was docketed as a

Motion for Discovery. However, he does not seek any relief with respect to the discovery process. Plaintiff points to several exhibits attached to the document and asks the court to grant him the relief his requested in his complaint. Plaintiff does not cite to any rules or case law providing the standard of review under which he moves for relief. Plaintiff's request that the court grant him relief is not properly before the court and, therefore, should be denied.

For the reasons discussed above, it is recommended that Plaintiff's Motion for Default Judgment (Document # 34) be denied and his Motion for Discovery (Document # 41) be denied.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

November 21, 2014
Florence, South Carolina

The parties are directed to the important information on the following page.